

BISHOP SHERLOCK'S
A R G U M E N T S

AGAINST A REPEAL OF THE
CORPORATION AND TEST ACTS;

WHEREIN
MOST OF THE PLEAS ADVANCED

IN A PAPER NOW CIRCULATING, STYLED

The Case of Protestant Dissenters, &c.

ARE DISCUSSED.

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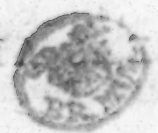
ARGUMENTS

AGAINST A REPEAL OF THE

CORPORATION AND TEST ACTS

WHICH

MOST OF THE PLEAS



IN A PAPER NOW CIRCULATING, STYLED

THE CASE OF THE PROTESTANT DISSENTERS, &c.

ARE DISCUSSED.

AT THE CLARENCE-LANE CHAMBERS,

IN THE CITY OF LONDON,

ON THE 14th DAY OF JANUARY, 1801.

ADDED

[THE CASE OF THE DISSENTERS]

Advertisement.

THE following piece was first published in the course of the Bangorian controversy, and overwhelmed by the prodigious tide of writings, which rushed forth upon that occasion. Many even of those who read, in our days, do not know that there is such a pamphlet; some, that there ever was such a controversy. The few personalities it contained are taken out, and it is generalized for common use. It exhibits an uninterrupted chain of close and pointed reasoning, peculiar to its author, and not to be matched elsewhere. As a good judge of such matters once said of it,—It may be *written against*, but it cannot be *answered*.

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ARGUMENTS, &c.

THE Laws relating to this subject have not been distinctly considered by the writers upon it. They seem to argue merely upon popular mistakes; and (as it serves their purpose best) sometimes call the Sacrament the Test, and sometimes the qualification for an office; whereas it cannot be both, because there is a real distinction between the Test, and the thing to be testified by it; it is therefore necessary to shew the true design and intent of the Legislature in requiring the Sacramental Test.

By the 13 Car. II. Stat. 2. Cap. 1. it is enacted, " That no person shall in any Corporation be elected Mayor, Alderman, &c. who shall not, within a year before his election, have taken the Sacrament of the Lord's Supper, according to the Rites of the Church of England."

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By the 25 Car. II. Cap. 2. it is enacted,
 “ That all and every person——that shall
 “ bear any office——civil or military, &c.
 “ shall take the oaths of Supremacy and
 “ Allegiance——and shall also receive the
 “ Sacrament of the Lord’s Supper, accord-
 “ ing to the usage of the Church of Eng-
 “ land, &c.” and make proof of his having
 received, as is therein appointed, upon pain
 of being incapable of the office, and other
 penalties in the Act expressed ; this Statute
 is not to extend to inferior offices, as is ex-
 pressly declared in the last clause.

The latter of these Acts is declared, by
 the Act of Toleration itself, to extend to
 Protestant Dissenters. The former expressly
 relates to them : and both are declared, 10
 Annæ, Cap. 2. “ to be made for the secu-
 “ rity of the Church of England, as by Law
 “ established.”

These Acts then being made for the se-
 curity of the Church, as by Law established ;
 that is, for the security of the Ecclesiastical
 Constitution of the Realm ; the intention
 plainly was, to keep Non-conformists of all
 sorts (whose principles and affection to their
 own ways cannot but lead them to use any
 power, put into their own hands, to the
 hurt of the established Church, from which
 they

they have separated) out of offices civil and military, and out of the government and direction of Corporations. “ To the end
 “ that the succession in such Corporations
 “ may be most probably perpetuated in the
 “ hands of persons well affected to his Majesty and the established Government *,
 “ and for preservation of the public peace,
 “ both in Church and State †.” Where, it may be observed, “ that affection to the
 “ established Government includes a concern for the public peace both of Church
 “ and State ;” and that these Acts, though especially regarding the established Church, are yet, in the sense and eye of the Law, acts for the preservation of the established Government of these Realms; which was always understood to include matters Ecclesiastical as well as Civil.

It being resolved then by the Legislature, that places of power and trust should be in the hands of such only as were well affected to the Ecclesiastical Constitution ; it became necessary to consider, what should be taken as a sufficient proof of any man's being so affected ; without this, the provision would have been void and ineffectual, and we

* Preamble to Corporation Act.

† Ibid. p. 2.

should have had a Law which could never have been put in execution.

Visible Communion with any Church, or society of Christians, is the best proof that man can give to man of his being a well-wisher to the Constitution of such Church or Society. But then, once or twice going to Church will not amount to such proof, it being well-known, that many, who dislike the Constitution of our Church, can permit themselves to be present, now and then, at part, or at all, of the common service. And in all things of this nature, it is impossible to settle the precise number of particular acts, which constitute or denote the habit: in this case therefore the Legislature could not say, how often going to Church made a Churchman; or had they named a great number of such acts, as the Test required, it must have been very hard, almost impossible, for the persons concerned to give a legal proof.

The only thing then that remained was to consider, what particular act of Church Communion would be the most probable evidence, that a man was sincerely well affected to the established Church.

In this view, the Sacrament of the Lord's Supper naturally offered itself; it is that part
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of religious worship, which the generality of Christians perform with the greatest devotion, and to which they think themselves most obliged to approach with sincerity and uprightness of heart. To this it may be added, that as a distinction was intended to be made between those who approved, and those who did not approve, the Ecclesiastical Constitution of these Kingdoms; so it was well known that the latter had as strong prejudices against the usage of the Church in the celebration of the Sacrament, as against any other usage of it whatever, and yet were supposed to have the same awful reverence for the Institution itself; so that it was reasonably presumed, that no Dissenter, of any sort, would easily be led to such an act of insincerity, as receiving the Sacrament in a manner condemned by himself.

It was then enacted, That whoever had an office civil or military, or was to be Mayor, &c. in a Corporation Town, should make sufficient proof of his having received, within a certain time prescribed, the Sacrament of the Lord's Supper, "according to the Rites
" of the Church of England," as it is limited
13 Car. II. "according to the usage of the
" Church of England," as it is expressed 25
Car. II.

1. It must here be observed, that barely receiving the Sacrament, is not the Test required by the Act: every man, as a Christian, is supposed to receive it somewhere, and therefore, barely receiving the Sacrament could be no Test of any man's affection to the Ecclesiastical Constitution of this Kingdom. But the Test lies chiefly upon these words, "according to the Usage and Rites of the Church of England:" and it was supposed, that no man would in such manner receive it, but a Member of the Church of England.

2. That receiving the Sacrament, "according to the Usage of the Church of England," is not the qualification for an Office, within the intent of the Act, but only the proof of such qualification: the qualification required is, That the Person — be well affected to the Ecclesiastical State and Constitution of these Realms; and the receiving the Sacrament, according to the Rites of the established Church, is the proof or Test required, that he is so.

This is so clearly the case, that a man may receive the Sacrament, so as to give proof of the qualification made necessary by the Corporation Act, without knowing, or even suspecting, that he was then giving a Test required

quired by Law; for that Act appoints the receiving to be within one year before election to an office: so that one who receives the Sacrament, not dreaming that he may, or ever shall be elected to an Office; yet if he is elected to an Office within a year, such receiving shall stand and be accepted as the Test required.

This is plain, I say, from the view of the Acts; but to put a matter of such consequence, in the present debate, out of doubt, I must refer the Reader to the 3 Jac. I. Cap. 4. The first Act, I think, (though I pretend not to have carefully examined this particular) that brought in a Sacramental Test.

The reason for it is set forth in these words.—“ And whereas divers persons, popishly affected, do nevertheless the better to cover and hide their false hearts, and with the more safety to attend the opportunity to execute their mischievous designs, repair sometimes to Church, to escape the penalty of the Laws in that behalf provided—For the better discovery of such persons, &c. Be it enacted—That every Popish Recusant—who shall conform—and repair to the Church, shall once in every year at least—receive the Sacrament.”—

Here it is evident, that receiving the Sacrament is required only as a Test of Conformity; for this Act does not require any thing more in Popish Recusants than Conformity; which was the very thing by which before they became qualified for the advantages of English Subjects. This Act therefore introduces no new qualification, but requires a stronger Proof or Test of the old one.

The same thing appears yet more expressly by 7 Jac. I. Cap. 2. "Forasmuch as naturalizing of strangers, and restoring to blood persons attainted, have been ever reputed matters of mere grace and favour, which are not fit to be bestowed upon any others than such as are of the Religion now established in this Realm."——

Here, you see, the qualification for such favour is, That the person, to have the grant, shall be of the Religion established:

"Be it therefore enacted," says the Statute, "that no person——shall be naturalized or restored in blood——unless he has received the Sacrament——within one month before any Bill exhibited for that purpose." That is, Be it enacted, that he shall receive the Sacrament——in order to prove his being of the established Religion.

Upon the whole, it is very plain, that the
receiving

receiving the Sacrament was never esteemed a qualification in our Law, but a proof and Test of that qualification (namely, Conformity to the Church established), which the Law in many cases requires. Thus the case stands upon the foot of these Laws.

I have heard much and just complaint of the iniquity of men, who have come to the holy Sacrament, without devotion, nay sometimes with open contempt of it, merely to satisfy the letter of these Laws; but the Legislature cannot be charged with establishing guilt and hypocrisy by a Law. Have they, who think otherwise, never, in the course of their lives, received the Sacrament, in order to give that Test which these Laws require? If they have, I desire they would tell the world, whether, when they so received, they did it in remembrance only that some Preferment was bestowed on them, and without remembrance of the death of Christ, or no. If they shall answer for themselves, that they received with no other sentiments than what are agreeable to, and ought to attend upon, the celebration of this institution of Christ; why then are the Laws accused, as perverting the end and use of the Institution, since the Law and the end of the Institution may, and ought to be, complied with

at the same time ? But if they did really receive with those wordly views, which they charge the Laws with introducing, I heartily lament their case, and wish they may never be called on to answer to One greater, than is on earth.

It is worth observing here, that the argument urged in this case is just as strong against the use of Oaths ; which ought not, upon these principles, to be required as a Test of a man's veracity, because thereby they become an instrument, by means of which, some particular sort of men (especially Atheists and Infidels) get into estates, the titles to which are determined on oath. And the Legislature may as justly be charged with all the perjury of corrupt witnesses, as with the hypocrisy of corrupt Communicants.

The two questions which naturally arise from the true state of the case are these.

1. Whether it be lawful to confine Offices of power and trust in the Government, to such as are obedient and well affected to the Ecclesiastical State and Constitution of the Realm ?

2. Supposing this to be lawful, whether it be also lawful to require of any man, who is willing to accept an office civil or military, that he should communicate with the established

blished Church, and particularly, that he should receive the Sacrament, "according to the Usage of it," in order to prove such his obedience and good affection to the Ecclesiastical Constitution?

It ought here to be observed, that receiving the Sacrament according to the Usage of the Church of England is not appointed to be a Test of any thing, but what it always ought (whether required by Law or no) to be a Test of: receiving the Sacrament, &c. is not a Test of a man's being a willing member of the established Church, in force, or in consequence of the Law; but in force and in consequence of that sincerity, which ought always to attend it; and this presumption, that he who receives in the Church is of the Church, is the ground and the foundation, and not the effect of the Law. So, in the parallel case, an Oath is not appointed by Law to be a Test of a man's veracity, but it is required in some cases by Law, because it is in it's own nature, such a Test.

Men are not supposed to be of one Church, and communicate with another. Upon this presumption the Corporation and Test Acts are founded: they require the evidence of a man's receiving the Sacrament, according to the Usage of the Church of England, only
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to prove, that he is a member of that Church. They leave the Sacrament to the uses for which it is ordained ; and lay hold on the act of receiving, only as an evidence of a man's being in Communion of that Church, in which he receives.

When the doctrine of Occasional Conformity for places prevailed, it broke in upon this evidence, just as the doctrine of equivocation and mental reservation broke in upon the evidence of an oath ; and there was the same reason for the Legislature to take notice of and prevent the one abuse, as the other. The Act against occasional Conformity (as it is commonly called) does not forbid occasional Conformity as such, but leaves all men to the same liberty they had before, to communicate occasionally with the Church ; and therefore it is nothing to the purpose to consider whether occasional Conformity be a lawful or unlawful practice. All that the Legislature intended by that Statute, was to prevent their being imposed on by the act of an occasional Conformist. They required the evidence of a man's receiving according to the Usage of the Church of England, as a proof of his being of that Communion. The act of an occasional Conformist in receiving,

ceiving, &c. came up to the letter of the Law, and yet was no proof of what they required.

When experience had shewn, how easily the Law was evaded by the practice of occasional Conformists, the Legislature took care to prevent the abuse, and to provide that men in Office, &c. should no longer continue in their Offices, than they adhered to the Communion of the established Church: that is, that they should perform the condition required by the former Laws, and for the performance of which they were understood to give the assurance and evidence of their having received the Sacrament, according to the usage of the Church of England.

And this shews that a better or stronger Test was not to be found; for when this was evaded, the Legislature had nothing to add to it, and could only by an after-provision secure it against a practice, which was an open affront to the Law of the Country.

The occasional Bill, therefore, is only a guard to the Test Act; and those, who plead for the repeal of this Bill only, do in effect desire, that all men may be at liberty to give the proof required by the Law, of their adherence to the established Church, and yet
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be at liberty not to adhere to it. Whether this can proceed from a concern for sincerity, or for the honour of the Gospel Institution, I leave the world to judge.

As to the Abuses brought in by the iniquity of men, who approach the Holy Table merely to answer the letter of these Laws, without any piety or devotion, or true sense of what they are doing; I see them, and I lament them; and they are sad instances of the decay of the spirit of Christianity among us: but still, I say, these men are not made wicked by the Law; but being wicked, they abuse as well the Law of their Country, as the Institution of the Gospel: and if the iniquity of men in abusing any Law be sufficient reason for abrogating such Law; I would fain know what Law ought to stand in force. What perjuries, what frauds, what cheats are made use of to elude the many Laws for imposing Customs on Trade! Will any man turn advocate for the removal of these Laws also? Will any man say, that no temporal advantage or convenience to the State, can justify the great abuse of religion, and the manifest breach of plain duties occasioned by these Laws? Will any man plead for abolishing the use of oaths, since perjury is not a more crying, than it is a common sin?

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The profanation of the Lord's Supper creates a horror in every serious Christian mind ; and God forbid that any word should drop from me, as if I could be easy and contented in seeing so much hypocrisy and wickedness. This is a case which wants a remedy ; but as the Laws requiring the Sacramental Test do not make men wicked and profane ; so neither will removing those Laws make them pious or holy. The remedy must be applied to the men ; it is the wickedness of the receiver that calls for correction ; and no service is done to Religion, by beating down the authority both of Church and State to preserve true Religion, in an age that seems to want it so very much.

In the mean while I will go on to declare my sense in this matter, and the reasons on which it is founded ; hoping, that it may be at least as inoffensive for me, to endeavour to justify the Laws of my Country ; as it is for others to arraign and to condemn them. And should all I say prove to be vain words, and of none effect ; should I see the Church left naked and defenceless ; it's walls broken down, and the hedge, which was placed about it, pulled up ; yet my fruitless pains shall yield me this satisfaction, that I laboured for the peace of Jerusalem ; nor shall any
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man be able to suggest, that I was bribed by the prospect of honours and preferments.

The questions arising from the true state of this case, are (as I before observed) two.

The first is this :

I. Whether it be lawful to confine Offices of power and trust in the Government to such as are obedient and well affected to the Ecclesiastical State and Constitution of the Realm ?

This Question will be determined by the resolution of two points.

1. Whether it be lawful in any case to make Laws, by which some Persons shall be rendered incapable of Offices ?

2. Whether it be reasonable in the Case before us ?

There is nothing that more nearly affects the good and welfare of every Government ; and consequently, nothing that ought to be it's more immediate care, than to see the powers (which must necessarily in every Community be trusted somewhere) placed in proper hands. Every man has an interest in desiring that there should be upright Judges to execute the Laws already in force ; and wise, prudent, disinterested men, to make new Laws, or abrogate old ones, as the good of the whole shall require. It is a right vested

vested in every community as such, to consider and declare what conditions and qualifications shall be required in all persons to be admitted to offices of trust and power in the Government: and therefore, a capacity to serve the Public in places of trust and power, which is not limitable by the constitution, when there are just reasons to limit it, is such a capacity as is inconsistent with all forms of government in the world. As men in a state of nature (for I am willing to argue upon that hypothesis) are upon a foot of equality; so are they when they enter into a formed government, and lay equal claim to all the advantages arising from thence. Say then that all, considered merely as members of the society, have a claim to be equally capable of serving the Public: yet still this is such a capacity as Nature herself has set bounds and limits to, by the very distinction she has made in the natural parts and abilities of men. It requires wise men to manage the public concerns, and men of courage to conduct the public arms: It is therefore necessary to exclude fools from the Council Board, and cowards from the Army. This, I say, is a limitation made by Nature.

But it equally concerns the Public to have men well affected to the Government in places

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of power and trust. A courageous man, who hates his country, is at least as unfit to be trusted with the military force, as a coward ; and a wise man, who would betray his Prince, ought rather to be excluded from his councils, than a fool. The consequence of which is, that either no Government has a right to preserve itself against the disaffection of any subject ; or else, that every Government has a right to exclude from offices of power and trust such as shall render themselves justly suspected of disaffection to the Public.

To talk then in the present case of the common rights of subjects, is begging the question ; and supposing that Dissenters are excluded without any reason ; which is making a short case of it indeed. The true point is this : allowing all subjects to be equally capable, as such, of serving the Public, and that the Government ought not to limit this capacity without good reason ; to inquire, whether the Corporation and Test Acts are founded upon reasons sufficient to justify the Legislature, in the limitations by them made on this capacity of some subjects.

Reasonings from the common rights of subjects, and general declarations against debarring men from their civil rights, are arguments

guments which do by no means come up to the present purpose.

A submission of private rights to the public is the fundamental article of Government ; and therefore no subject has a right to defend even his life, or property, as he thinks fit, but must go in the method prescribed or permitted by the law. How absurd it is then to talk of a right to be capable of places, not subject to the like restraints or limitations ! The matter is not mended by calling this a natural right (a phrase much in fashion), for there is no natural right that may not be lost, in whole or in part. Nay, some rights are restrained merely for the sake of public convenience, without supposition of any fault or transgression in any member of the community.

There is not, I presume, a stronger natural right, than the right to food and raiment ; this is founded in the common necessity of nature ; and it is not to be thought that God sent men into the world merely to starve, without giving them a right to use in common so much of it as their necessities require. But now we see that this right is limited and restrained by all Governments in the world ; property is secured every where by human laws, and a very unequal division of the good

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things of life is introduced; the far greater part of mankind live upon their labour, or by charity: hard as this is, yet the necessity of Government justifies the provision; and an Apostle of Christ has given us a rule in consequence of it: "If any man will not work, neither let him eat."

Is it lawful then to restrain the natural right that every man has to food and raiment? And is it unlawful to limit the capacity which subjects have to places of power and trust in the Government? There is indeed so much compassion and equity left for cases of natural necessity, that, in the last extremity, we still say, Necessity has no Law; but it must be a sad world, whenever avarice and the lust of power obtain the same privilege.

Our opponents perhaps will say, that they do not plead against restraints of this sort in general, but that they confine themselves solely to the Sacramental Test, and to cases where Religion is concerned.

But let the reader take notice, that the argument against the Sacramental Test, drawn from the right of all subjects to a capacity of holding offices of power and trust, is an argument against this Test, considered as a limitation of that right; and it is founded in this, or in nothing, that all such limitations are unlawful:

unlawful: for if all are not unlawful, perhaps this may not be unlawful; and consequently no argument can lie against it, considered merely as such a limitation.

Among all the capacities of this sort known in our Constitution, those which are hereditary are the strongest and most favoured by the law. Among these, the capacity of succeeding to the Crown is the most sacred. This many have taken pains to prove subject to limitations; and it is well known that his Majesty enjoys the Crown, in virtue of such limitations. I would only ask, whether the Royal Family be the only one in the kingdom liable to such restrictions? Whether it be highly reasonable, for the sake of public good, to limit the capacity of succeeding to the Crown, and highly unreasonable, though there be the like occasion for it, to limit the capacity of private men to be Captains or Colonels?

To me this case is so very plain, that I will not so far suspect any reader's judgment, as to dwell longer on it; but will go on to consider in what manner this right, which the State has over the capacity of all its subjects, is to be exercised.

They, who in any nation have the legislative power entrusted with them, are bound

to take care of the welfare and preservation of the community over which they are placed. Men ought not to be punished for any offence against the Public, without plain proof that they have offended; for all punishments must follow the strict rules of justice: but all Governments have a right (and all wise Governments make use of it) to provide against probable dangers to the State; in consequence of which they have a right to provide, that all power in the State shall be lodged in such hands only as they reasonably judge to be well affected: and here the rules of prudence must govern. It may be very consistent to declare against punishing men in their lives or fortunes for those reasons, which, nevertheless, are good reasons for excluding them from places of power and trust. It would be very unreasonable to beat a man, because he has an infectious distemper; yet it is very reasonable to deny him a place in the family, upon this account; for in one case I should injure him, in the other I only take care of myself. The exercise then of this right is matter of prudence in the Government. It may be abused by wantonness and partiality, as every thing else may, that ever I heard of; but it will not follow, because this right may be abused, that therefore there neither is,
nor

nor ought to be, any such right in the community.

But the right of the State to limit the subjects' capacity of holding places of power and trust being supposed; it still remains to be considered, whether they had sufficient reason for what they did, in the case before us.

The Government of England is in the hands of Christians; and so far, I hope, there is no fault. When they, in whom this power was lodged, found it necessary to forsake the errors of the Church of Rome, and to throw off the heavy yoke of Popish power, under which they had been long oppressed; they saw at the same time, that Religion could not be preserved, without some settled order and discipline. And though the Reformation claimed the use of the Scriptures, as the undoubted right of every Christian who was capable of using them; yet they had sense enough to know, that to leave every man to make the best of his Bible, without any farther direction or restraint, would naturally tend to confusion, and fill the kingdom with all the wild conceits that ignorance and enthusiasm could produce. They considered farther, that it was the will of Christ, that there should be

a visible Church ; and though they had withdrawn from the Church of Rome, as being corrupt, yet they were obliged to visible Communion ; for these reasons they continued the national Church, freed from the errors and the corruptions of Rome, under a government and discipline formed upon the platform of primitive Christianity. This Church was established by law ; and the people of England were bound to communion with it, as Christian subjects ; so bound, I mean, that nothing but a persuasion of errors and corruptions in the Church, could excuse a separation from it.

Upon these principles, the Reformation here proceeded ; the Crown and the People found it necessary to reject the Papal power, together with the corruptions of the Romish Church ; but they found it necessary too to preserve an authority in Church matters ; and to settle an Ecclesiastical Government even for the better reformation of Religion. Some indeed there were in the early days of the Reformation, who pleaded for Christian liberty in such manner, as to leave no room for Christian discipline ; but these made no great figure, and were esteemed then as mere fanatics. Had they, who conducted the Reformation, set out upon these prejudices (for
I desire

I desire to be excused from calling them principles), by this time I verily believe Christianity itself had been lost among us; and the supremacy vested in every man, in his own behalf, had long since established a consummate stupidity and ignorance; but who would have been the happier for it, I profess myself at a loss to imagine.

The Protestant Church of England has enjoyed but little peace from its first establishment. In the days of Edw. VI. the controversy about Vestments, &c. began; though it was managed with another kind of spirit, than what afterwards appeared in that cause. In Queen Mary's time, this Church was destroyed; and suffered not only in the ruin of its establishment, and in the members lost by persecution; but in those also, who fled from home, and brought back those notions, which have given this Church and Nation so much trouble ever since. These were one great occasion of the disturbances in Queen Elizabeth's reign: to what height they were carried, and how they affected the peace of those times, the reader may see in Archbishop Whitgift's Life, published by our diligent and learned Historian, the Reverend Mr. Strype. Under the management of James I. the disaffection to the established

established Church grew strong ; and in the days of his unfortunate son, a Prince who deserved a better fate, it prevailed as well against the Crown as the Mitre.

It is very true, that Religion was not the whole of that unhappy rupture between the King and his People ; occasion there was for complaint with respect to civil rights ; nor is it my intention to dissemble here, what the noble Historian of those times has so freely and so impartially disclosed : but then it is evident to all, that those disputes had ended in the happy confirmation of the subjects' rights, had not the pretences of Religion and Enthusiasm mixed themselves in the quarrel, and put the nation into such a fever, that nothing but the loss of blood could recover them again to their cool senses.

It is with reluctance that I enter into this part of the argument ; and I wish I could draw a curtain before the oppressions and calamities which the nation suffered under, in that long hour of darkness. But should I be silent, yet almost every Gentleman's family wears still the scars of that frenzy ; and can name the ancestor who lost his life, the estate that was sequestered, the house that was pillaged or pulled down : and this too
was

was acted under the pretence of making way for the free profession of the Gospel; of which however there was hardly any visible sign in the kingdom, except only this, "That our Kings were bound in chains, and "our Nobles with links of iron."

After more than twelve years of continual night, the day began to break, and the sound of Liberty was heard throughout the nation: in a word, the King who was expelled, the Nobles and the Gentry who were driven into banishment, or lived at home sequestered, or imprisoned, were restored to their ancient rights; and England became England again. What now was the consequence? Why, the cruelties, the oppressions, and devastations of many years, were all buried in silence and oblivion: private resentments and private injuries were given up to the public good; the rich sequestrator and the harrassed gentleman lived like neighbours and friends; and the prophecy seemed fulfilled, That the lion and the lamb should play together. The only redress which the King and his people sought for all their wrongs, was to guard themselves from falling into the same mischiefs again; for this purpose expressly the Corporation Act was made, "For prevention (as the words of the
" Act

“ Act are) of the like mischief for the time
 “ to come, and for preservation of the pub-
 “ lic peace both in Church and State :” that
 act which is now thought to be an invasion of
 the subjects right, and contrary to the max-
 ims of Christ Jesus. And yet, in the name
 of all that ever was called Christian charity,
 what less could be done? Was it so ex-
 tremely wicked to guard against injury and
 oppression? Was it so irreligious to defend
 that Religion which the nation received as
 delivered by Christ, from force and violence;
 and to suppress the many kinds of injustice
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 enumerated? Self-defence is a darling topic
 with many, and I desire them to shew, that
 in this act any thing was done by the Gen-
 tlemen of the Church of England, which
 they had not found by woful experience to
 be necessary for their preservation. The
 general pardon was so far from producing
 the desired effect, that it is declared by the
 Legislature as the ground of the Corporation
 Act, “ That notwithstanding all his Ma-
 “ jesty’s endeavours and unparalleled indul-
 “ gence in pardoning all that is past, ne-
 “ vertheless many evil spirits are still work-
 “ ing.”

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This then was the case in fact : the Crown, the Nobility, the Gentry and the Clergy of England had suffered for above twelve years under such oppression and cruelty, as will be easily called to mind, by the reader; and which I have no inclination to aggravate, or to describe : and when the Government returned to its natural channel again, all was forgiven ; and Christian charity triumphed over every thing, but the restless spirit of some among us ; which since the mercy and good nature of the nation could not subdue, it became necessary that their wisdom and prudence should prevent ; for these reasons the Corporation Act was made, to keep the power out of those hands which had used it so very ill : this I say was the case ; and let Heaven and Earth judge of the equity of the proceedings.

But however justifiable this might be upon the close of the troubles, and whilst things continued to be in agitation ; yet perhaps it will be said, that now the case is altered ; the disaffection to the Church is abated ; and we have nothing to fear from Dissenters, though places of power and trust in the Government should be lodged in their hands. I wish this were all true ; and am willing to allow that there are many among them
who

who are sincere in their professions of moderation. But alas! it is one thing to say how we would use power, if we had it, and another to know how to use it when we have it. But to let this pass: have any of the Dissenters declared, that they are for maintaining the Church as by law established? No certainly: the utmost that has been pleaded in their behalf, is, "That their principles—amount to those of a general toleration of all peaceable subjects*." I rejoice in this happy reformation of their principles; but let me ask the Gentlemen of South Britain, what they are like to get by accepting of a toleration for their Religion, instead of an establishment; and that too limited to the condition of being peaceable subjects; a condition indeed highly reasonable in itself; but which may be easily expounded away: and probably would be so, unless they could appear to be highly satisfied with their hard bargain. Besides, this declaration for toleration stands only upon the authority of the Dissenters' Address to the King; an authority they are not willing to abide by in all cases; and never more complain than when they are pressed with a

* The Dissenters Reasons, by Mr. Peirce, pag. 33.

like

like argument, founded upon their Addresses to James the Second.

The Dissenters are still fond of their own principles and opinions: and we have once seen how that fondness transported them, when power was in their hands. Why then are we not to suppose, that they would use power again, if put into their hands, to set up what they account pure Religion; and to expel, what not only they, but others of higher rank, and under greater obligations to the Church, have treated as popish and superstitious?

It is well known, that in the late times, there was a solemn league and covenant entered into by many, to root out the established Church of England, and never more to permit its return. At the Restoration, some there were, who left their livings rather than depart from the terms of this engagement. Has their steady adherence to these obligations been blamed or condemned by their brethren of these times? No; so far from it, that they have laboured to adorn the lives and characters of these men; their sufferings for this cause have been magnified and extolled; and they have been represented to the public, as confessors suffering for righteousness sake; as lights shining in the dark, and of whom

whom the world was not worthy. And now let any body draw the natural consequence from this: is it reasonable to think, that those who have consecrated their forefathers' zeal to destroy the established Church, and offered up so much incense to it in the eye of the world, do themselves condemn those principles, which they so adore in others?

It has of late years been a prevailing opinion among some members of the Church of England, that the Dissenters had worn off their rigid zeal against the Church, and that there was little more left in the Controversy than the difficulty about Re-ordination, and the dispute about some indifferent Rites and Ceremonies. But we have been told, how highly affronting to the Dissenters such an opinion of them is. "How could you suggest (says one of them) that we don't so much as pretend the terms of your Communion are sinful?"* And he goes on to give instances of sinful terms in our Communion; and then in the name of all his brethren he passes a judgment that makes the whole Ecclesiastical Constitution sinful: "You may depend upon it, that the great body of the Dissenters judge the terms of Communion to be sinfully imposed." p. 6. This

* The Dissenters Reasons, &c. by James Peirce, p. 5.

strikes not at one, or at many of our terms of Communion, but at the whole establishment; the foundation itself is sin, and nothing good can be raised on it: and therefore he very frankly and consistently declares, p. 30. "We rejoice to see the foundations shaken, and the fabrick sinking, as we never doubted but it would some time or other." What hopes, what triumphs are these! — But to go on: he charges the Church, p. 24. with persecution; and represents the Dissenters, as the holy remnant "who have not bowed the knee to Baal." p. 38. So that the Church of England in this comparison (and it should seem therefore in this Gentleman's opinion) is an Idolatress, and her Priests are the Priests of Baal.

The Church of England owns itself to be subject to the civil power, in making canons and constitutions for external government and discipline; whether the State has reason to like the Church the worse for this, let others judge. But those who are offended at it, may assure themselves they shall have no such reason of complaint against the Dissenters; they pretend to a power and discipline equally great and extensive with that claimed or used by the established Church; they claim it too independently of the State in every respect,

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for they claim it all as the Law of Christ, over which no human power has authority. "The Government we plead for, says Mr. Peirce, is no other than the execution of "the Laws of Christ." p. 22, 23. And since this is their opinion, I'll venture to say for them, that it is likewise their opinion, that no power on earth can restrain them in the exercise of any part of that Government, which they plead for. And without the spirit of prophecy, it is easily foreseen, that if ever they have the Rule, their little finger will be thicker than the loins of the Church: the holiness of their Government, its being the execution of the Laws of Christ, must make them (whatever they now think) zealous to impose it on all.

This Gentleman has the repute of being one of the most considerable among the Dissenters; and takes upon himself to speak in the name of the rest. I should not have wondered had one of their ignorant mechanicks represented the Clergy of England as Priests of Baal; but it is surprising to hear this from a man of letters, from one who has had opportunities of conversing both with men and books; and it is an intimation at least, what purposes are to be served by that power, to which some are now so eagerly pleading their right.

right. And let every man, who wishes well to the Church of England, judge from hence, what he is to expect, if ever offices of power and trust are lodged in Dissenters' hands. Will they permit, do you think, the Priests of Baal to live unmolested, or will they endure that the Church of England, whose foundation is sin, should be permitted to stand? No; then they would tell us, that they have no power to remit the laws of Christ; this was not their meaning:

Non hæc in fœdera.

If Dissenters want only to propagate their persuasion, by applying to the reason and understanding of men, they are even now at liberty to do it; and if they can convince the nation that their cause is right, it will give them an influence beyond what the repeal of twenty acts in their behalf can do. Let them then go to work in God's name, we are ready to hear and to consider their arguments. But if they want to back their arguments with power, however we are bound to attend to reason, we certainly have a right to guard against force; and to secure ourselves from having any thing, as Religion, imposed on us. For these reasons, and chiefly for the sake of that experience which we have had,

we cannot agree to call for a repeal of these acts: they are acts founded on the principles of self-defence; and not made to exclude Christians from civil offices, for the sake of their conscientious scruples. And if there be no difference between persecuting a man for his opinions, and securing myself from being persecuted for my own; then indeed it is a persecution, to exclude men, for the sake of their disaffection to the established Church, from civil power. Persecution is an hard word, but when it comes from words to blows, it is an harder thing. The Church of England has felt it; and she has a short memory, if she has already forgot what it is. It is indeed as bad as it can be described to be; and so far am I from being an advocate for it, as I have been publicly and often charged to be; that I can with a clear mind say, I have ever pleaded against it.

But surely, it must be agreed on all hands, that every man has a right (much more every Government) to secure himself against persecution, and from having any thing, as Religion, imposed on him by undue means. And once more I call upon the reader to recollect what passed in those sad days, when all the Sects among us were labouring for superiority, and making their way over the
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heads and consciences of their brethren ; and when he has thought thereon, let him say, (if he sees reason) that to exclude men from power on account of those persuasions in religion, which produced so much misery and confusion in these kingdoms, is an unjust or false security, and contrary to the maxims of Christ. But if he is not in great haste to come to a conclusion, let him consider, that what has been already, may probably be expected again from the same causes ; and that power in the hands of Dissenters has once already ruined Church and State. If he thinks they are now grown friends to toleration, and is moved by that argument, yet let him ask himself the reason, why he should give up an establishment, to accept of a toleration ; and why toleration is not as good, when it is granted to Dissenters, as when it is humbly received at their hands. Let him also consider, that where the Dissenters' principles prevail, no toleration is granted : the Kirk has ever protested against it, and used their utmost endeavours to prevent it. If he thinks much weight is to be laid upon their late declarations for general toleration ; let him remember, that the same pleas were used before King Charles the First's time, and yet what were Church or Nation the better for

them? In a word, let him consider, whether under these uncertainties, it is not wisest to trust himself with the liberty of his own conscience. Whether he may not be as sure of shutting out persecution (if that be the concern) by keeping it in his own power to give a free toleration to those who differ from him, as by putting it in the power of others to make him the like grant.

They who display so much zeal against all limitations of offices to Members of the Church established, would do well to remember, that the Crown itself is subject to this very limitation. By 12, 13 Will. III. cap. 2. it is provided, “That whosoever
“shall hereafter come to the possession of
“this Crown, shall join in Communion with
“the Church of England as by law established.”

Let the world be informed, how it comes to pass, that the Kings of England have less privilege than any of their subjects; and why that very limitation is just and expedient when applied to the Crown, which is so great an oppression, so subversive of natural right, when applied to any of the People.

The Crown has the disposal of places of power and trust in the Government; and the incapacity for offices which some lie under,
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in virtue of the Test Act, is in truth a restraint upon the Crown in bestowing of offices. And as long as it is thought necessary, for the preservation of the established religion, to confine the Crown itself to the Communion of the Church of England, so long it cannot be unreasonable to confine the Crown from deriving power into such hands as there is reason to think would destroy it. Nay, the very reason for confining the Crown to the Communion of the Church of England, is to secure the powers of the Government which are lodged in the Crown, on the side of the establishment; and it seems preposterous to suppose, that any power should issue from the Crown so confined, into hands not well affected to the Church.

I do not find that any one, who argues for the repeal of these Laws, does so much as pretend to complain of them with respect to the restraint, which they bring on the Crown in the disposal of offices. Nor indeed can any body justly do it; for his Majesty's declared affection to our Constitution in Church and State, will never permit him to think any Law a burden to himself, which is made for the preservation of public peace both in Church and State.

But with respect to the limitation which

requires that “ the person possessing the “ Crown shall join in communion with the “ Church of England as by law established ;” it may, perhaps, be said, that there is a difference in the case, because the receiving the Sacrament as a Test, and giving evidence thereof, is not required of the Crown. 'Tis true, it is not : and the reason of the difference is this ; in the case of private men, the public cannot judge what Communion they belong to ; and therefore a proof, a test of their communion with the Church established, is required of them : but a King is a public person, and lives in the eye of all his subjects ; and it is as easy to know of any King what Communion he belongs to, as what kingdom he governs ; and consequently no particular Test of joining in Communion need be required.

I would observe here (what some seem very desirous to forget) that one great end of the Revolution was, to secure and preserve the Church established ; and that to labour to hurt this Church, cannot be a mark of friendship to the Revolution. I have turned over the writings of my opponents, to see whether this part of the argument in the behalf of the Revolution has had any improvement under their hands ; and to my great surprise,

surprise, I cannot find they have once had it in their thoughts: they talk indeed of religious rights preserved or restored by the Revolution; but they plainly mean such rights as they now plead for; such as are inconsistent with the establishment of any Church; except perhaps the Church of England *truly* so called (as one of them speaks), and what kind of Church that is, neither I, nor (I believe) they can tell: for if the Church of England commonly so called, is not the Church of England truly so called, then the Church of England truly so called, is some Church not yet established; and what it may be, who can tell?

The Legislature knows no religious rights, but what are contained in the establishment of the Church of England; and therefore the Lords and Commons tell King William, that after the settlement of the Crown on himself, &c. in his first year, "his Majesty's
 " good subjects were restored to the full and
 " free possession and enjoyment of their religion, rights and liberties." 12, 13 Will. III. Cap. 2. They knew of no religious rights restored by the settlement of the Crown on King William, &c. but what are implied in the people's being restored to the
 free

free enjoyment of their religion, as professed in the established Church.

In a word; if all Governments in the world have a right to defend themselves as well against their own subjects, as others; and in consequence thereof, to provide, that the powers of the Constitution should be lodged in such hands only, as are well affected to the establishment: If all men have a right to guard their own consciences against the force of such as would impose that for Religion, which they do not approve; and if it be reasonable to suppose, that those who have once attempted, and succeeded in their attempt, to use their fellow subjects in such manner, are ready to do it again when they have power: and lastly, if it be justifiable to limit the Crown to the Communion of the Church established, in order to secure and preserve the Church; it is upon all these reasons justifiable to confine offices of power and trust to the hands of such as are well affected to the Ecclesiastical establishment of this realm; and the statutes which do so confine them are not chargeable with oppression, but are founded in the highest reason; the security and preservation of our Constitution.

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But besides all this, there is one consideration more arising from the very nature of our Constitution, that makes the Test with respect to Corporations highly reasonable. 'Tis well known what an influence the Corporations have in one part of the Legislature: there are instances where a very few subjects in a little town are represented in Parliament by as many members as the largest county chooses; and this being the Constitution, it concerns the whole to take particular care that Corporations be under the government and direction of such as are friends to the whole; and to guard those posts especially, which if the adversary possessed, it would make one of them become equal in strength to a thousand. The natural strength of any Constitution lies in the affection of the people to it; and it may be allowed, that the Ecclesiastical Establishment (as far as it is in its nature changeable by human laws) ought to be agreeable to the sense of the nation; but no common sense will allow that the little towns of a county ought to govern the consciences of a county; and therefore since many little towns have by our Constitution (of which it is not my intent to complain) such an influence, there is nothing more reasonable, than to provide that such only as
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are friends to the establishment in Church and State, should have the direction of them, Either this is reasonable, or else it is reasonable to affirm, that the Constitution in Church and State ought not to be what the nation likes, but what the towns corporate shall think proper for them.

This consideration may be made more general, and extended to other offices in the State; for though there are many offices which men might execute, without being thereby enabled immediately to hurt the Constitution; yet the influence which such offices give in the election of Parliament men (a power which accrues not from the particular nature of the office, but from the nature of our Constitution) makes it reasonable, that such offices should be confined to the friends of the Constitution in Church and State: this, I say, is in some degree the case in general; but it more evidently appears in the case of Corporation Officers.

The Nonconformists of all sorts (including Papists as well as others) were computed to be in proportion to the members of the Church of England, in the year 1676, as one to twenty: A number in proportion too small to have any natural strength to hurt the Constitution; but if they were at liberty,

ty, and should apply themselves heartily to gain the Corporations, they might soon get such strength as might make them formidable; whilst others, relying upon their numbers, sat securely by. Whether this advantage in these circumstances ought to be given to the one, the twenty, I think, have a very good right to judge.

The case of the Corporations, and the influence they have in one part of the Legislature, ought to be well considered, by such especially, as seem willing to part with the Test as far as it affects Corporations, and to preserve it with respect to other officers. If it be reasonable to keep any power out of Dissenters' hands; that power certainly which gives them an influence in the Legislature, in making laws for Church and State, ought especially to be kept from them. And it must upon the least reflection appear very strange, to advance a man to a share in making laws for the nation, and yet to deny him all other power.

Were the Dissenters fewer in number than they are; were they one to a thousand, yet I should think it unreasonable and unlawful to endeavour to end the difference by force. And so far am I from disliking the indulgence allowed them, that I like the establishment

ment itself the better for this abatement in the rigour of its laws. But if peace and security of conscience will not satisfy, without power and authority in the State, it ought to be no offence to them to be told, that we owe a regard to our own consciences, as well as theirs; and that though we rejoice in their liberty, yet we see no reason to part with our own security.

I have hitherto spoken of the Corporation and Test Acts in general, and the reasons on which they are founded. There will want but little to be said of the 25 of Charles II. in particular; and that only in respect of an objection which concerns that act.

This act when it was made related particularly to Papists; and they who can distinguish between a man's Religion, and the certain, necessary effects of it, can see, without doubt, the reasonableness of a Test, or any other disqualification in this view. For my own part, as far as the argument for persecution is concerned, I make no difference between one religion and another; and can as little justify hanging a Papist, merely for his religion, as a Protestant. If therefore the Test Act be in truth a persecuting law, it is bad in every view; but if it be only a reasonable provision for the security
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of the establishment against suspected enemies ; it is good in every case, where there is probable ground for such suspicion.

I need not say, how much the nation is indebted to this act ; it has once already saved us from the power of Popery ; and was a barrier to the Protestant Religion in all King James's reign : this was so evident, that there was nothing this unhappy Prince laboured so much, as the repeal of this act ; and when he could not get an English Parliament to concur with him, he took a bold step to compass his design, and endeavoured to lay it asleep by a dispensing power. His declaration to this purpose is upon record in the annals and histories of that time ; and if the reader will be at the trouble to turn to it, he will find that our opponents have been beholden to King James's declaration, for their arguments against the Test.

But this act being designed for Papists in particular, it has been complained of, that it was extended to Protestant Dissenters ; though it is well known, that this effect was foreseen at the time of making the act, and might have easily been prevented, had the Legislature intended to prevent it. But let this pass ; it cannot be denied, that this effect

fect upon Protestant Dissenters was understood at the time the Toleration Act passed; and yet so far were the Legislature from preventing it then, that they expressly declared all Protestant Dissenters to be liable to it. Which declaration was indeed a re-enacting of the Test Act with respect to the Dissenters. And from this time (at least) the Test Act does as directly affect the Dissenters as the Papists; and it is not worth while to dispute with them, whether they were put under this act by King Charles or King William. But I recommend it to some persons to consider the proceedings of that Parliament of King William; they were no friends to persecution; they released Dissenters from all penalties, yet thought it fit to extend the Test Act to them; and let such persons learn from hence (if they please) that persecution is one thing, and excluding the ill-affected to our establishment from places of power, is another: or if they can by no means part with their charge of persecution, I hope they will not for the future, single me out to bear it all, but will allow King William and his Parliament their due share.

But that it may not be suggested, that King William consented to as much as he could obtain from his Parliament, and left the Test in force, because the times would not admit
a repeal;

a repeal; it is proper to inform the reader, that he had declared his opinion in this matter, before the Revolution. When King James attempted to repeal as well the Test as the Penal Laws, he endeavoured to gain the approbation of the Prince and Princess of Orange; and Mr. Stewart, by the King's order, wrote to Mr. Fagel upon that head; Mr. Fagel in his answer delivers their Highnesses sense; that they could wish Penal Laws removed; but as to the Test, they had a just aversion to the abrogation of it.

The last paragraph of Mr. Fagel's answer to Mr. Stewart's Letter, printed anno 1687, as taken from the late History of England, is to this effect.

“ Lastly, (he concluded) that their High-
 “ nesses ever had, and were resolved ever to
 “ preserve a profound submission to his Ma-
 “ jesty, as they thought themselves in duty
 “ bound by the laws, of God and Nature: but
 “ since the matter that was then in hand related
 “ not to the making of new laws, but to the
 “ total abrogation of those already made both
 “ by King and Parliament; their Highnesses
 “ did not see how it could be expected of
 “ them, that they should consent to such an
 “ abrogation, to which they had so just an
 “ aversion; as being a thing that was con-
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“trary to all the laws and customs of all
 “Christian States, whether Protestants or Pa-
 “pists, who admitted none to a share in the
 “government or public employments, but
 “those who professed the public and esta-
 “blished Religion, and endeavoured to se-
 “cure it against all attempts whatsoever.”

This Letter is, I think, a full answer to such as pretend to say that Dissenters from the national Church enjoy greater privileges in Holland than they do with us. The Prince and Princess of Orange, and Mr. Fagel, knew surely what was the constitution in that country; and the reader has their sentiments, that “it was contrary to the laws
 “and customs of all Christian States, whe-
 “ther Protestants or Papists, to admit Dis-
 “senter to a share in the government, or public
 “employments.” And so true is this, that no Arminian in Holland is ever admitted into the Magistracy: and the case is the same in Sweden, Denmark, the Principalities and Free Towns of the Empire, which profess the Protestant Religion. At Dantzick, as I am informed, three out of eighteen Magistrates are allowed to be Calvinists, the rest being Lutherans; a proportion so small, that it will hardly make an exception to the general rule:

I have now laid before the reader the rea-
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sons inducing me to with the continuance of those laws, which, as many have declared, ought to be repealed. Whether they judged right who suggested, that I could not be a well-wisher to these laws, without being an approver of persecution, the world must judge from what I have now offered.

I will beg leave, however, to remind them of something which they ought to have considered before they had openly declared and called for a repeal of the Test Act. In the fifth of the Queen, an act was made, introductory to the Union of the two Kingdoms, entitled, "An Act for securing the Church of England as by Law established." In which act it is provided, that an act 13 Eliz. entitled, "An Act for Ministers of the Church to be of sound Religion; and the Act of Uniformity, 13 Charles II.—And all other and singular Acts of Parliament, now in force for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, shall remain and be in full force for ever." This act is inserted verbatim in the Act of Union, and declared to be an essential condition of the said Union,—an essential and fundamental part of the Articles and Union. Since then all and sin-

gular acts, in force at the time of the Union, for the establishment and preservation of the Church are made perpetual, it should have been considered, whether the Test Act did not come within this description; and the rather, because by an act of Parliament 10 Annæ, Cap. 2. it is declared concerning the Corporation and Test Acts, that both—were made for the security of the Church of England as by law established. Now if these acts were, as it is declared by the Legislature, made for the security of the Church established: and if all such acts are fundamentals of the Union, and to continue in force for ever, no private writer, I presume, ought to have called for a repeal. If this be permitted, what jealousies may not be fomented? What handle does this administer to ill-disposed men, to break in upon the like security which the Kirk enjoys, whenever they have power and opportunity?

I speak this of private writers only: when the Legislature set limits to their own authority, they must continue the judges of those limits; and it would be great presumption in me to pretend to say, that this consideration does affect, or how it does affect the supreme power; but there is at least so much appearance in it, as to make it very improper

per for private men to give judgment in the case.

I shall transcribe the words of the Union Act relating to the security of the Church of England, and so conclude this head.

Quinto Annæ, Cap. 8. Sect. 7. “And
 “whereas it is reasonable and necessary, that
 “the true Protestant Religion professed and
 “established by law in the Church of En-
 “gland, and the doctrine, worship, disci-
 “pline and government thereof, should be
 “effectually and unalterably secured; be it
 “enacted by the Queen’s most excellent Ma-
 “jesty, by and with the advice and consent
 “of the Lords Spiritual and Temporal, and
 “the Commons in this present Parliament
 “assembled, and by authority of the same,
 “that an act made in the thirteenth year of
 “the reign of Q. Elizabeth, of famous Me-
 “mory, entitled, ‘An Act for Ministers of
 “the Church to be of sound Religion:’ and
 “also another act made in the thirteenth year
 “of the reign of the late King Charles II.
 “entitled, ‘An Act for the Uniformity of
 “the Public Prayers and Administration of
 “Sacraments, and other Rites and Ceremo-
 “nies, and for establishing the form of mak-
 “ing, ordaining, and consecrating Bishops,
 “Priests and Deacons in the Church of En-
 E 3 “gland,’

“ gland,’ (other than such clauses in the said
 “ acts, or either of them, as have been re-
 “ pealed or altered by any subsequent act or
 “ acts of Parliament) and all and singular
 “ other acts of Parliament now in force for
 “ the establishment and preservation of the
 “ Church of England, and the doctrine wor-
 “ ship, discipline and government thereof,
 “ shall remain and be in full force for ever.

Sect. 8. “ And be it further enacted by
 “ the authority aforesaid, that after the de-
 “ mise of her Majesty (whom God long pre-
 “ serve) that the Sovereign next succeeding to
 “ her Majesty in the royal Government of
 “ the Kingdom of Great Britain, and so for
 “ ever hereafter, every King or Queen suc-
 “ ceeding or coming to the royal Government
 “ of the Kingdom of Great Britain, at his or
 “ her Coronation, shall in the presence of all
 “ persons who shall be attending, assisting, or
 “ otherwise then and there present, take and
 “ subscribe an oath to maintain and preserve
 “ inviolably the said settlement of the Church
 “ of England, and the doctrine, worship, dis-
 “ cipline and government thereof, as by law
 “ established within the kingdoms of England
 “ and Ireland, the dominion of Wales, and
 “ town

“town of Berwick upon Tweed, and the
“territories thereunto belonging.”

Sect. 11. “And it is hereby further en-
“acted by the authority aforesaid, that the
“said act passed in this present Session of
“Parliament, entitled, ‘An Act for securing
“the Church of England as by law esta-
“blished,’ and all and every the matters and
“things therein contained : and also the said
“Act of Parliament of Scotland, entitled,
“‘An Act for securing the Protestant Religi-
“gion, and Presbyterian Church Govern-
“ment,’ with the establishment in the said
“act contained, be, and shall for ever be
“held and adjudged to be, and observed as
“fundamental and essential conditions of the
“said union : and shall in all times coming
“be taken to be, and are hereby declared to
“be essential and fundamental parts of the
“said articles and union.”

The second question is this.

Supposing it to be right to put offices of
power and trust into the hands of such only
as are well affected to the Ecclesiastical esta-
blishment ; whether it be lawful to require
of any man, who is willing to accept such
office, that he should communicate with the
Church established ; and particularly that he
should receive the Sacrament according to
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the rites and usage of it, in order to prove his communion with it.

It is here to be observed that the Test Act obliges no man to receive the Sacrament. It may (and I doubt it too often does) prove a temptation to a man to do, what otherwise he would not choose to do ; but for such insincerity the receiver and not the law-maker is to answer. We ought not indeed to lay stumbling blocks in the way of our brethren ; but the Legislature consider the receiving the Sacrament according to the rites of the Church of England not only as lawful, but as commendable in a Christian, and therefore they can in no sense be charged with tempting men to sin. But the objection has been stated in a form more general ; it has been argued, that “ Religion ought not to be a “ civil Test :” In answer to which, I alledge, that Religion is the Test, whenever an oath is required. I shall endeavour to set that matter in a clear light.

1. Religion considered in its first principle and foundation, is that sense and persuasion which men have of the being and power of God, and of the relation they stand in to him as creatures and subjects.

This sense is the very bond and obligation which tie men to God : and though in strict-
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ness of speech it may perhaps more properly be called the foundation of all religion than religion itself ; yet the disposition which naturally arises from hence, and influences all religious acts and duties whatever, has entitled even the original sense by a common figure of speech, to bear the title of religion.

2. The first and most immediate consequences from this sense, are, that we ought to love, fear, and trust in, God, as Creator and Governor. These are properly and strictly speaking religious acts of a rational mind.

3. The whole complex of man's bounden duty to God, deducible from this general sense, is properly called Religion.

4. Any branch of Religion, respecting immediately either God, ourselves, or our neighbour, may by a figure usual with all writers be termed Religion : Thus it is Religion to love God, so also it is Religion to love our neighbour.

5. All particular duties as they regard God, may for the same reason be called Religion.

6. The coming in of the gospel made no alteration in the essentials of Religion. 'Tis just as much Religion now to love and fear God,

God, and to obey him, as it was before the publishing the gospel; and no more so. But it is to be observed, that our blessed Lord has commanded the observation of some positive institutions, intended to be signs and memorials to Christians of the grace bestowed on them by God through Christ. These institutions are ordained for the sake and for the preservation of true Christian Religion; and are called Religion, not because they are, in their own nature, religious acts, but for the relation they have to religion, through the institution and command of Christ Jesus, and to that truly religious disposition of mind, with which they ought always to be performed.

From this account I would observe,

1. That to love, fear, and trust God, as Governor of the Universe, are the first and most essential duties of Religion, and resulting immediately from the natural sense and disposition of a rational mind. That all particular duties flow from these; and consequently, that no particular duty can be called Religion in an higher sense, than these are so called.

2. That these essential duties are the Religion on which an Oath is founded.

The

The next thing to be considered, is the meaning of the word Test.

The word Test is a relative term, and always respects something that is to be testified. And therefore a Test, as it is applied to human affairs, denotes a sensible evidence naturally tending to prove the thing doubted of. I say naturally tending, because no human appointment can make any thing to be a sign of an inward disposition, which is not naturally so; an Oath is therefore a Test of the witness's veracity, because it naturally implies (the religion of man supposed) the strongest obligation and disposition to speak truth.

The word Civil added to Test, does not denote any thing that belongs to the Test itself, or that enters into the nature of it; but signifies merely the end for which it is required, or the use that is made of it. The Sacramental Test is called a Civil Test, not because the act of receiving becomes a civil or political act, by being made a Test, but only because the end for which it is made a Test, relates to the civil state, and the use made of the Test is political, respecting the Government. So that in the Sacramental Test there is nothing civil or political, but as it is applied by the Government; on the
part

part of the receiver it continues to be a religious act, without any mixture of politics in virtue of the law : When it is brought before the Government, they consider the act of receiving according to the usage of the established Church, only as implying the qualification which the State requires in all persons, who shall be in office, &c. In this sense then Religion is made a Civil Test, that the magistrate is enabled from thence to draw a consequence which he applies to civil affairs.

To apply this to the two cases before us.

An oath is required of a witness as a Test of his veracity. It is the act of a man considered as a religious creature ; for take away the sense of religion, and there is no pretence for requiring an oath ; since then an oath has all its force from the religion of the man, it is the religion of a man alone that makes it a Test ; for whatever it is that makes it naturally signify, what is intended or required to be signified by it, that it is, which gives it the essential properties of a Test : but it is the religion of the man alone that makes his oath naturally signify the veracity of his evidence, in virtue of the strong obligation it puts him under to speak truth. It is evident then the religion of the man is the Test whenever

ever an oath is required. And Religion here denotes the first and immediate duties arising from the knowledge of God and of ourselves, as they are explained Art. 2. in the account of Religion. For whoever takes an oath, does (as it were) pawn the love and fear of God which are in him, and all his trust and hope in God, for the truth and sincerity of his evidence or promise. And these internal principles are the ground and foundation of all religious acts whatever. No Test can be founded on an higher degree of religion than this; no positive duty can imply a greater degree of religion than is contained in this general faith, in these first principles from which all duties flow.

It has been urged, that we are not bound by religion to take oaths: and in this has been placed the great difference between the Test of an Oath and the Sacramental Test; but the observation does not come up to the case. For an oath is that act of a man by which Religion is made a Test; and though the act itself be not commanded, yet the religion laid hold on by that act is commanded, unless it should be thought, that we are under no command or obligation to love, to fear, to trust in God.

The

The true parallel stands thus :

We are obliged to believe in God, and to fear him, and to trust in him, in the virtue of the reason given us by God.

We are obliged to receive the Sacrament in the Church of Christ in obedience to an institution of Christ ; and consequently we are supposed to be in communion with that visible part of the Church with which we receive the Sacrament.

When the magistrate requires an oath, he lays hold on the natural sense and obligation we are under to believe in, and to fear God, and grounds the Test on them.

When he requires the Sacramental Test, he lays hold of the obligation we are under to communicate with that Church which we esteem to be a true part of the Church of Christ, and grounds the Test on it.

And the reader has it now fairly before him to judge how far Religion is in both cases a civil Test, and whether it be not at least as much so in the first case as in the latter.

But if it shall be allowed that Religion has, by the common consent of nations, been made a Test in civil matters ; and consequently that the objection from the nature of religion in general is not good : yet it remains

mains to be considered in particular, whether there be any thing in the institution of the Sacrament that makes it unlawful for the Government to use it as a Test. And here it must be granted that if the Statutes, requiring the Sacramental Test, have added to, or taken from, the institution of Christ, they are certainly unlawful; but if they have done neither, they have been very unjustly charged with perverting the end of the institution.

To draw a just consequence from seeing a man do an act enjoined by Christ, is, I presume, no affront to the command of Christ: to argue from a man's obeying the gospel, that he is a Christian, will hardly be taken for an abuse of the gospel; so in the present case, to conclude from a man's receiving the Sacrament in the Church of England, that he is in communion with the Church of England (which is all the use that the Government makes of the Sacrament considered as a Test), is surely as innocent a thing as any in the world. If it can be shewn that the laws now in force require any man to receive, otherwise than a member of the Church of England ought to receive, when not called upon by those laws; or with any view, or purpose of heart contrary to the gospel; let the laws be condemned. I put the whole,
that

that I have to say in justification of them, upon this issue ; only desiring the laws may not be charged with the hypocrisy and guilt of such, as despise the laws of God and man.

The word Test, when applied to the Sacrament, is a mere external denomination ; it does not denote any thing belonging to the institution, or to the action of receiving, but merely the use that is made of it, as an external sign. If the Government take it to signify what it does naturally signify, they are guilty of no impiety : And I am at a loss to find the great wickedness in supposing that whoever receives the Sacrament in the Church of England is a member of that Church. And therefore I am surprised to hear this called, “ debasing the most sacred thing in “ the world into a political tool and engine “ of State.”

But perhaps, it may be said, that the fault lies in requiring men to receive the Sacrament according to the rites of the Church of England : but before this is said, it should be considered, that it is no great crime to require a man to do, what his professed principles lead him to do. And therefore the Legislature are blameless in requiring the members of the Church of England to receive according to the rites of their own Church :

Church: and we may know from hence, that they intended to require it of no others, that when they found others did receive it in consequence of these laws, they put a stop to all temptations to such abuse of the law for the future, by the occasional bill. And even as to the Members of the Church of England, they are no more obliged by these laws to receive, than they are to take a place; and if they think fit to take a place, yet so much time is allowed (that is, three months) for receiving the Sacrament, that it must needs be their own fault, if they are not well prepared for it. So that, in all views, the Legislature are guiltless of the profanation of the Lord's Supper, with which they have been so warmly and so indecently charged.

But after all (it will be said) that in fact, many who receive upon account of offices, do it in a very indecent manner, and come very ill prepared to this solemn part of religious worship: *pudet hæc opprobria*; I am sorry there is so just cause of complaint in this respect. And in God's name, let the Ministers of the Gospel speak to the consciences of their people; let them reprove their iniquity, and shew them that there will be "no profit in
"gaining the world, if they lose their own
"souls;" and if this will not do, let them

turn away the open and notorious offenders from the Lord's table; and tell them, they have "neither part nor lot in this matter; " for their hearts are not right in the sight " of God."

I know this is thought to be a dangerous experiment; for a notion prevails, that the Test Act "forces clergymen to give the " Communion to every atheist, or debauchee, " who may be named to any civil office; unless he chooses to be ruined for not doing " it." The reader may look into the Test Act if he pleases; but if he looks till doomsday, he will find nothing in it to force any clergyman to give the Sacrament to every one, much less to every atheist, who may be named to a place. The Test Act leaves this matter just as it found it, subject to the rules and canons of the Church; and the man who comes with a place to receive the Sacrament, is in the same case as he who comes without one; and is liable to be refused for the same reasons. The rubrics before the communion service authorize the Curate "to " repel all open notorious evil livers; all who " have done wrong to their neighbours by " word or deed, so that the congregation be " thereby offended; and, those betwixt whom " he perceiveth malice and hatred to reign—
provided

“ provided that within fourteen days he give notice to the ordinary, &c.” These rubrics have the authority of an act of parliament; and, in case of any dispute, are as good a rule to the Judges in Westminster-hall, as to the curate of the parish; and therefore if the curate does right, according to these rules, in the Church, he can never suffer for so doing in Westminster-hall; and if he does wrong, he ought to suffer, whether the person, injuriously refused, had a place or no.

We have heard in common talk, that a person who loses a place by being refused the Sacrament, may have an action against the curate for damages. But there must be an injury done, as well as a damage suffered, to entitle a man to an action: and therefore let a man suffer what damage he will by being refused, yet if he was not wrongfully refused, the law will give him no remedy: and whatever clergyman acts according to the rubric, which is a rule prescribed him, as well by the law of the land, as of the Church, will be in no great danger of being judged to have acted injuriously.

Cases of this nature are properly triable in the Ecclesiastical Courts; but supposing, that by reason of the temporal damage sus-

tained by loss of a place, a man may have an action in the Temporal Courts; yet I presume, that he would not be allowed to proceed upon the base allegation, that he was refused the Sacrament; but he must aver, that he was refused it unjustly, and without sufficient reason: and if upon the trial it shall appear that the curate did refuse him; but that he did it justly and with sufficient reason; the complainer will be entitled to no remedy: the rubrics, and canons of the Church must be in that case the rule to judge by: and if the Minister has followed the rubrics and canons, he will be justified; if he has not, I am not concerned to inquire what will become of him.

I may venture then to assert, that the Test Act forces no clergyman to give the Sacrament to Atheists and debauchees, or any other offenders, if they be openly and notoriously such; if they are such only in secret, they are out of the question; for no clergyman's conscience can be burdened by admitting an unknown offender to the Sacrament.

Should any clergyman, forgetting his duty, refuse a parishioner the Sacrament out of passion or prejudice, or with any other sinister view, he must thank himself for what he shall

shall suffer on that account : and he will deserve to suffer, whether his parishioner had a place, or had not one : but if he proceeds with discretion and charity, and according to the rules prescribed him by authority, he has as little to fear from a man with a place, as from a man without one : And if he be unjustly and vexatiously sued for doing his duty, the law will give him costs.

But it may be said perhaps, that it is enough to ruin a poor clergyman (and many such there are) to justify what he does well, by the method of law. If this be true, the more is the pity. But then I would have it observed, that this difficulty does not arise from the Test Act ; and therefore it is not chargeable on it : but it arises from the course of our legal proceedings, and is common to all cases. A clergyman may be ruined, (and many a one has been) by suing for his just dues of tithes and offerings : and yet methinks it would be an injudicious complaint to quarrel with the laws, by which the dues are claimed, on this account. Whoever can find a just and adequate remedy for this difficulty, he will merit the thanks of the Clergy ; but it is absurd to charge that as the fault of one law which is common to all.

I know but of one difficulty more that can be made in this matter, which is this : it may be alledged that a Curate may have sufficient reason to himself to repel a man from the Communion, and yet it may be hard for him to make legal evidence, against the man, of the crime for which he refuses him. In answer to which I say, that a Curate of a parish is bound to proceed by the rules prescribed him by the Church ; and he cannot be answerable for not doing what the Church has given him no authority to do. It is not every private sin a man commits, that ought to exclude him from the Sacrament, though it should accidentally come to the Curate's knowledge. It is a proper ground for private admonition ; but till it becomes an offence to the Congregation, it does not necessarily call for open censure. Of the three cases mentioned in the Rubrick, two of them require a notoriety of fact ; and the third is so limited, that it must become notorious, before a man can be excluded for it ; for though the Curate may repel those betwixt whom he perceiveth malice to reign, yet if the parties declare themselves to be in mutual charity, they shall be admitted ; or if one declares himself content to forgive— &c. he shall be admitted. And if any man
upon

upon admonition shall refuse these conditions, I think his want of charity will be notorious. Since then no Curate is obliged in duty to repel a man from the Sacrament but for offences open and notorious, he will always have it in his power either to admit a man consistently with his own obligations, or to make clear proof of the reasons for which he repels him.

But after all, the great cause of these disorders, is the neglect of the constitutions and rules of the Church : if no Curate would admit any to the Sacrament but his own parishioners * ; and would require of them to give him due notice of their intentions to receive † ; many of the abuses and irreverencies now justly complained of, would be prevented ; notorious offenders would not offer themselves where they are well known ; nor would any man dare to approach the Lord's Table indecently, when he knew himself to be under the observation of Curate and Congregation ; whereas strangers, who slip into Congregations, where no body knows them, if they have no religion, it is no wonder that sometimes they have no decency. I know very well that the neglect of these good orders has been suffered so long, that private Curates can hardly hope to succeed in attempting to

* Canon 48.

† Rubrick before Communion.

restore them ; but it is proper matter of consideration for our superiors, and to them I submit it.

There is yet one more objection against the Test Act, namely, "That it is a worldly
 " motive to induce Christians to the same
 " one certain profession in religious matters,
 " and to the same one certain form of words
 " and ceremonies in public worship." I would to God it had produced this effect ! I should rejoice to see the Test Act grow useless and out of date, by the general conformity of the people of this nation. But the truth is, the act was made for no such purpose ; the intent was to keep Dissenters out of the State, not to force them into the Church ; which may appear in part from hence, that their meetings were tolerated by the very act, in the first of William and Mary, which expressly extends the Test to them.

But whatever the intent was, we may be told, the effect is, that men are tempted by this act to outward conformity, and are made hypocrites. I allow it to be so ; and what then ? Why, hypocrisy is a very evil thing, and no man ought to have a temptation to it laid in his way : true still ; and to prevent this, was one reason of the occasional Bill.

But

But though all such hypocrisy cannot be prevented; yet, consider, are they who encourage virtue and true religion answerable for the hypocrisy of those, who will pretend to virtue and religion, in order to share in the encouragement? If they are, then it is in itself a wicked thing to encourage virtue and true religion; and a father is a wicked man who rewards one son for doing well, because thereby he may possibly tempt another to make a shew of doing well. A Gentleman in the country, who shews some mark of favour to his poor neighbours who religiously attend the public service of God, is really by so doing drawing upon himself the wrath of God, by laying a temptation before others to make an appearance of being better than really they are. If these consequences are good, then I am sure that, "The worship of God" "and the neglect of it, religion and irreligion" "ought to be set on an equal foot in this" "world." But if they are false; the objection against the Test has no weight in it; and it will be lawful to do right, notwithstanding that some perhaps may make a wrong use of our so doing. But this general reason is calculated to serve more purposes than one; and there will be occasion, some time or other, to recall it to examination. In the mean

while, I shall take leave of this part of the argument ; not intending (without very good reason) to be drawn into it again : for although I have, for the sake of Religion, and of this Christian Church, both which (as I still conceive) must suffer by the principles now propagated, been content to enter into a controversy ; yet I do not design that it shall grow to be the employment of my life.

If there be reason in what I have offered, it will prevail with reasonable men ; if there be not, I am not so unreasonable as to desire it should.



F I N I S.

